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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE THIRD
AMENDMENT TO MOTION TO
AMEND COURT'S ORDERS
SUSTAINING OMNIBUS
OBJECTIONS RE: THE FIESTA
OAK VALLEY LOAN; AND
CERTIFICATE OF SERVICE**

Date of Hearing: January 19, 2012

Time of Hearing: 10:00 a.m.

Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST FILED A THIRD AMENDMENT TO
MOTION TO AMEND COURT'S ORDERS SUSTAINING OMNIBUS
OBJECTIONS REGARDING THE FIESTA OAK VALLEY LOAN (AMENDED
ONLY TO CORRECT ALLOWED AMOUNT OF ROBERT W. ULM PROOF OF
CLAIM ON EXHIBIT A). YOU FILED A CLAIM THAT APPEARS TO BE
BASED UPON AN INVESTMENT IN THE FIESTA OAK VALLEY LOAN. THIS
MOTION SEEKS TO DETERMINE THE AMOUNT OF THAT CLAIM, 20
PERCENT OF WHICH HAS BEEN PROPOSED TO BE ALLOWED BY THE
COURT. THIS MOTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT
IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**
3 **REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN**
4 **HINDERAKER (520-629-4430).**

5 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
6 through its counsel, has filed its Motion to Amend Court's Orders Sustaining Omnibus
7 Objections Re: The Fiesta Oak Valley Loan (with Certificate of Service) (the "Motion").

8 The USACM Liquidating Trust has already moved to allow 20% of the Fiesta Oak
9 valley claims and that objection is pending before the Court. When the USACM Trust
10 began to process the allowed claims for payment, it realized that it had a problem because
11 your claim is proposed to be allowed by the Court in an "unknown" amount. In order for
12 the USACM Liquidating Trust to make a distribution to you, the proposed allowed claim
13 must be for a specific dollar amount. Thus, this Motion asks the Court to set the dollar
14 amount of your claim at an amount equal to your principal investment in the Fiesta Oak
15 Valley, or if we were unable to determine the amount, the amount was set at zero and you
16 may provide documentation as to the amount of your principal investment.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 **January 19, 2012, at the hour of 10:00 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON January 19,**
22 **2012, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
26 response to the Motion must be filed and service must be completed no later than **fourteen**



(14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and grant the Motion without formally calling the matter at the hearing.

DATED this 1st day of December, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)
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Attorneys for the USACM Liquidating Trust

Copy of the foregoing
mailed by first class postage prepaid
U.S. Mail on
December 1, 2011 to:

The parties listed on Exhibit A attached
to the Motion

LEWIS AND ROCA LLP

/s/ Matt Burns
Matt Burns